

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW MEXICO

JUANITA GARCIA,

Plaintiff,

v.

No. 1:12-CV-00383-LH-RHS

THE CITY OF FARMINGTON,

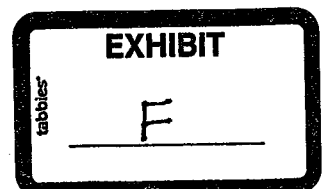
Defendant.

AFFIDAVIT OF RICHARD MILLER

STATE OF NEW MEXICO)
COUNTY OF SAN JUAN)

Richard Miller, being first duly sworn, deposes and states:

1. I am the Generation Superintendent for the City of Farmington.
2. As the Generation Superintendent for the City of Farmington, I have been Juanita Garcia's supervisor since she began her work with the City of Farmington on April 1, 2009 as an Operations Technician—Trainee I.
3. As her supervisor, I have personal knowledge of Ms. Garcia's job duties, training, work performance, her complaints and grievances, and complaints about her performance and workplace behavior.
4. With regard to job duties, Ms. Garcia was assigned the same job duties as other Operations Technician trainees in the Generation Division for the City of Farmington. Those job duties are described in the memos attached hereto as Exhibit 1. Prior to and following her complaints of disparate job assignments, I sent reminders to Generation employees about the manner in which job assignments were to be made. Those are attached as Exhibit 2
5. Ms. Garcia was also trained in the same manner that other Operations Technicians have been trained historically and contemporaneously with Ms. Garcia. The training includes an



informal on-the-job hands-on training process. Operations Technician trainees spend three (3) years learning the job of an Operations Technician I. This is learned by working alongside Operations Technicians I and Operations Technicians II. In addition, they are invited to participate with start-up and shut-downs of the power plants as those are scheduled.

6. I reviewed the log books for the Animas Power Plant to determine the start-ups and shut-downs that Ms. Garcia participated in from her start date through October 24, 2012. The memo outlining her participation in those start-ups and shut-downs is attached hereto as Exhibit 3. This memo was prepared because Ms. Garcia complained that she was not getting adequate opportunities to participate in start-ups of the plants. The log book entries document her participation, including operation of the DCS system, during power plant start-up.

7. In addition to the hands-on training, Operations Technician trainees are given three (3) years to complete computer based training modules. Based on my review of Ms. Garcia's access to the on-line training modules, she completed her entire on-line training program a year and three months ahead of schedule. Based on the amount of time that she was logged onto the training program, she completed the modules in approximately fifty-four (54) hours.

8. Ms. Garcia was not treated less favorably than the other Operations Technician – Trainees. She was afforded more opportunities to participate in start-ups than other trainees.

9. Consistent with the Collective Bargaining Agreement and job descriptions for Operations Technicians, Ms. Garcia was allowed to take the written test for the Operations Technician I position at the three year anniversary of beginning work for the City of Farmington as an Operations Technician –Trainee I, in April 2012. She did not pass that exam.

10. She successfully passed the written and hands-on exam for the Operations Technician I position on October 2, 2012 and was moved into that position. She is currently an Operations Technician I under my supervision.

11. I investigated any complaints and/ or grievances that she raised with me.

Richard Miller
RICHARD MILLER

STATE OF NEW MEXICO
COUNTY OF SAN JUAN

This instrument was acknowledged before me on November 13, 2013, by Richard Miller, Generation Superintendent for the City of Farmington.

(Seal)

Beverly A. Farrell
Notary Public

My commission expires: March 20, 2016



Date: April 23, 2009
To: All Plant Operators
From: Richard Miller-Generation Superintendent
Subject: Animas Plant Clean-Up Assignments

Operations technician II

- Make sure that your shift's clean-up assignments are completed daily.
- Report to the Generation Superintendent any employees not doing their clean-up duties or if any employees create a mess in your area and leave it for you to clean up.
- Any spills which occur are to be cleaned up by the personnel responsible for the spill. Chemical and/or oil spills are to be contained first, and then cleaned up. These substances are **NOT** to be washed down any floor drains! See Britt, Eric and/or the Accidental Spill & Prevention Plan (posted in the Control Room) for assistance.

Operations technician relief

- Assist operations technician II, Operations technician I with clean-up assignments.

Operations Technician Trainee I / Trainee II

- Perform any and all routine clean-up duties as assigned by the on-shift Operations Technician II. Assume operations technician I duties when operations technician I is not available.

Operations technician I (when not on shift)

- Empty trash, clean bathrooms, and clean ABB. Room. Assist Operations technician II if needed.

Assigned Clean-Up Areas- Animas Plant:

Shift #1

- Control Room: Clean floors, counters, boiler panels, CRT's, break room, etc. Order consumable supplies as needed (coffee, paper products, etc.).
- Area A: From the chemical tanks to the east end of the plant the mezzanine levels of #1 & #2 units. Clean all floors, motors, pumps, piping, etc. in this area of the building.



Shift #2

- Turbine Deck: Turbine-generators, turbine panels. Order consumable supplies as needed (paper products, etc.).
- Area B: From the chemical tanks to the water fountain. Mezzanine level of #3 unit. Clean all floors, motors, pumps, piping, etc. in this area of the building.

Shift #3

- Turbine Deck: Clean entire floor on this level. Order consumable supplies as needed (paper products, etc.).
- Area D: All evaporators, all D.A.'s and all hand rails. #3 & #4 feed water heaters on #4 unit.

Shift #4

- Turbine Deck: Clean switch gear, windows (bottom set of 5 pane rows only) and window sills. Order consumable supplies as needed (paper products, etc.).
- Area C: From the water fountain west to the end of the building. Mezzanine level #4 unit. Clean all floors, motors, pumps, piping, etc. in this area of the building.

Assigned Clean-Up Areas- Bluffview Plant:

Shift #1

- Control Room- Empty trash, vacuum, clean counters, CRT's, refrigerator, coffee area, etc. Clean restroom, breaker and battery rooms. Order consumable supplies as needed.

Shift #2

- Basement- Clean all aspects of the southern half of the basement (ground level of STG building). Clean piping, pumps, motors, floors, walls, heat exchangers, etc.

Shift #3

- Basement- Clean all aspects of the northern half of the basement (excluding the Maintenance Shop). Clean piping, pumps motors, floors, walls, heat exchangers, etc.

Shift #4

- STG Deck- Clean all aspects of the Steam Turbine Deck. Maintain clean oil absorbent media as needed, clean accessible areas of the turbine and generator casings, piping, heat exchangers, lube oil reservoir, condenser, etc.

**Richard Miller
Generation Superintendent**

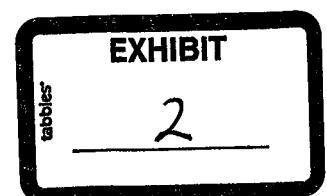
Richard Miller/ELEC/FMTN
05/04/2009 11:43 AM

To Animas Generation/ELEC/FMTN@FMTN, Bluffview
Generation/ELEC/FMTN@FMTN
cc
bcc
Subject cleaning assignments

OperationTechnician II's

It is your responsibility to clean your areas. The trainees and relief operators are there to assist you, not do the work for you. Assiting means helping you with your areas or watching the control room while you are out doing your duties. Do not push your responsibilities off on them they have thier own duties to take care of. If you have any questions or concerns let me know.

Richard Miller
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Fax:(505) 326-2315
Email: remiller@fmtn.org



FEUS - GENERATION

Memo

To: Superintendents File
From: Richard Miller – Generation Superintendent
CC:
Date: 12/20/11 and 11/14/12
Re: Start-ups that Juanita Garcia has participated in

On 12/20/11 I reviewed the log books starting from 4/17/09 until present in order to verify Animas plant start-ups that have been documented involving Juanita Garcia. On 11/14/12 I also compiled dates up until 10/24/12. These dates go hand in hand with the attached log book entries.

4/17/09 Juanita Garcia onsite for start-up.	12/16/11 Juanita Garcia onsite for startup.
4/22/09 Juanita Garcia onsite for startup.	11/15/11 Juanita Garcia onsite for startup.
11/2/09 Juanita Garcia onsite for startup.	12/16/11 Juanita Garcia onsite for startup
11/3/09 Juanita Garcia onsite for startup.	1/12/12 Juanita Garcia onsite for startup
11/5/09 Juanita Garcia onsite for startup.	3/8/12 Juanita Garcia onsite for startup
4/16/10 Juanita Garcia onsite for startup.	4/12/12 Juanita Garcia onsite for startup
7/6/10 Juanita Garcia onsite for startup.	4/13/12 Juanita Garcia onsite for startup
7/16/10 Juanita Garcia onsite for startup.	4/16/12 Juanita Garcia onsite for shutdown
8/24/10 Juanita Garcia onsite for startup.	5/17/12 Juanita Garcia invited in for startup (No show)
10/15/10 Juanita Garcia onsite for startup.	6/4/12 Juanita Garcia invited in for startup (No show)
3/13/11 Juanita Garcia onsite for shutdown.	8/30/12 Juanita Garcia onsite for shutdown
3/18/11 Juanita Garcia onsite for startup.	9/4/12 Juanita Garcia onsite for startup
8/23/11 Juanita Garcia onsite for startup.	10/24/12 Juanita Garcia onsite for startup
8/24/11 Juanita Garcia onsite for startup.	
9/6/11 Juanita Garcia onsite for startup.	
9/27/11 Juanita Garcia onsite for startup.	